

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE AT MEMPHIS**

JESSE ORTIZ
Plaintiff,

vs.
THE HERSHEY COMPANY
Defendant.

CASE NO: 2:11-cv-03123-STA-tmp

This affidavit is composed of materially contemporaneous statements and actions taken by the Affiant during the events surrounding the filing of this lawsuit.

AFFIDAVIT OF SYLVIA ORTIZ

STATE OF TENNESSEE
COUNTY OF SHELBY:

I, Sylvia Ortiz depose and state the following:

1. That I am currently employed at Hershey in the packaging department. I have been employed here since 2001.
2. I am familiar with Wanda McKinnon, Human Resource Manager at Hershey.
3. That Jesse Ortiz is my husband and I have watched the discriminatory treatment of him by my employer, Hershey.
4. That I watched Jesse work himself nearly into the ground for this employer, while other press operator of different races, blacks and whites, no Hispanics, received a fair division of labor.
5. Jesse would be so exhausted at the end of his day that he could barely place one foot in front of the other.
6. More worrisome, he was so stressed out and scared to come to work. He was afraid of making an error with so much to do. He didn't visit in the packaging area much, mostly on his breaks.
7. Employees visit other areas all the time and always have. Before Jesse was terminated, Press operator, James Hawkins was in the packaging department for 45 minutes, just hanging out. Phyllis Grandberry only harassed Jesse and Angie Salas when they came to the packaging department.

8. Noticing the decline in his health, I decided to talk with Ms. McKinnon, When I asked to speak to her, she told me she was too busy to talk. As I stood there, Dave Dotson, (White mechanic) walked up and said, Oh, you're busy. McKinnon said, in my presence, Oh no, I have all the time in the world for you.

9. Ms. Grandberry witnessed an on-going verbal battle between Betty Hawkins and Gloria Price in the packaging department. The women would argue and threaten each other using the foulest of languages. One time, the line was shut down and a 45 minute meeting was held to regain control. No one was written up when this happened. There is not a zero tolerance policy on workplace violence at Hershey.

10. When Jesse was terminated, Dave Hawkins, (Black male) took over the operation of the "D" line. He ran the presses only.

FURTHER AFFIANT SAITH NOT.


Sylvia Ortiz, Affiant

SWORN TO AND SUBSCRIBED before me this 23rd day of July. 2013.

My Commission Expires: _____.

NOTARY PUBLIC